

Message Text

PAGE 01 STATE 161709

20

ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 OES-05 EB-07 COME-00 INT-05 OFA-01

DLOS-04 CG-00 DOTE-00 IO-10 DODE-00 CIAE-00 INR-07

NSAE-00 PM-03 /058 R

DRAFTED BY EUR/CAN:LFJANOWSKI:MGH

APPROVED BY EUR:RDVINE

EUR/CAN:JHROUSE, JR.

L/EUR:JRCROOK (DRAFT)

OES/EN/ENP:HSPIELMAN (DRAFT)

----- 123189

R 100057Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

UNCLAS STATE 161709

E.O. 11652: N/A

TAGS: SENV, CA, US

SUBJECT: ICE BOOMS

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING AIDE MEMOIRE
TO APPROPRIATE OFFICIAL OF USA DIVISION OF EXTERNAL
AFFAIRS:

QUOTE THE GOVERNMENT OF THE UNITED STATES WISHES TO REFER
THE GOVERNMENT OF CANADA TO THE ONGOING PROGRAM UNDERTAKEN
BY THE UNITED STATES GOVERNMENT AIMED AT DEMONSTRATING THE
FEASIBILITY OF WINTER NAVIGATION IN THE GREAT LAKES AND
THE ST. LAWRENCE RIVER. IN THIS CONNECTION, THE US NOTES
THAT THE US GREAT LAKES-ST. LAWRENCE SEAWAY WINTER NAVIGA-
TION BOARD HAS APPROVED THE EXPENDITURE OF \$700,000 TO
CONSTRUCT AN ICE BOOM WITHIN US WATERS IN THE ST. MARY'S
RIVER ABOVE THE FERRY CROSSING BETWEEN MISSION POINT AND
SUGAR ISLAND DURING THE WINTER OF 1975-76.
UNCLASSIFIED

PAGE 02 STATE 161709

THE GOVERNMENT OF THE UNITED STATES WISHES TO INFORM THE
GOVERNMENT OF CANADA THAT IN A LETTER OF JUNE 11, 1975,
THE INTERNATIONAL JOINT COMMISSION INFORMED THE GOVERNMENT
OF THE UNITED STATES THAT SINCE THE PROPOSED WORKS "MAY

MATERIALLY AFFECT THE LEVEL OR FLOW OF BOUNDARY WATERS IN CANADA, THE COMMISSION EXPECTS AN APPLICATION FOR THESE

WORKS AT THE EARLIEST POSSIBLE DATE".

A REQUIREMENT EXISTS FOR GOVERNMENTS TO MAKE SUCH APPLICATION FOR WORKS FOR THE BENEFIT OF COMMERCE AND NAVIGATION WHOLLY ON ONE SIDE OF THE BORDER ONLY IF THE WORKS MATERIALLY AFFECT LEVELS AND FLOWS ON THE OTHER SIDE OF THE BORDER. IN THIS RESPECT, THE GOVERNMENT OF CANADA SHOULD BE AWARE THAT THE US GREAT LAKES WINTER NAVIGATION BOARD ALSO HAS APPROVED THE CONSTRUCTION OF A DEMONSTRATION ICE BOOM WHOLLY WITHIN US WATERS NEAR OGDEN ISLAND IN THE INTERNATIONAL RAPIDS SECTION OF THE ST. LAWRENCE RIVER. APPROVAL WAS GIVEN ON THE CONDITION THAT THE US GOVERNMENT WOULD MAKE APPLICATION TO THE INTERNATIONAL JOINT COMMISSION IN VIEW OF THE FACT THAT THIS BOOM WOULD LIKELY MATERIALLY AFFECT LEVELS AND FLOWS IN THE ST. LAWRENCE RIVER.

IN RESPECT TO THE BOOM WITHIN THE ST. MARY'S RIVER, UNITED STATES OFFICIALS ARE OF THE VIEW THAT THE PROPOSED WORKS DO NOT MATERIALLY AFFECT LEVELS AND FLOWS. THE UNITED STATES GOVERNMENT HAS THEREFORE INFORMED THE INTERNATIONAL JOINT COMMISSION THAT AN APPLICATION TO THE COMMISSION WILL NOT BE FORTHCOMING. UNQUOTE.

2. IN DELIVERING AIDE MEMOIRE, EMBASSY IS REQUESTED TO MAKE FOLLOWING POINTS ORALLY:

--THE DEPARTMENT OF STATE HAS STRONGLY SUPPORTED THE IJC'S JURISDICTION OVER ICE BOOMS THAT MATERIALLY AFFECT LEVELS AND FLOWS.

--WE MADE CONSIDERABLE EFFORT TO ASSURE CLOSE COORDINATION BETWEEN THE IJC AND THE WINTER NAVIGATION BOARD IN UNCLASSIFIED

PAGE 03 STATE 161709

RESPECT TO LAST WINTER'S COPELAND CUT DEMONSTRATION BOOM.

--THE WINTER NAVIGATION BOARD HAD STATED ITS WILLINGNESS TO COORDINATE IN A SIMILAR FASHION IN RESPECT TO THE ST. MARY'S BOOM THIS WINTER.

--THE DEPARTMENT OF STATE HAS INSISTED, AND THE WINTER NAVIGATION BOARD HAS CONCURRED IN THE VIEW THAT A FORMAL APPLICATION TO THE COMMISSION FOR A PROPOSED OGDEN ISLAND BOOM WILL BE MADE IN VIEW OF THE POSSIBILITY THAT THE DEMONSTRATION MIGHT HAVE ADVERSE EFFECTS ON LEVELS OF LAKE ONTARIO AND POWER PRODUCTION IN THE ST. LAWRENCE RIVER.

--IT IS OUR VIEW THAT THE COMMISSION'S REQUEST CALLS INTO QUESTION THE RIGHTS OF BOTH THE UNITED STATES AND CANADA

TO CONSTRUCT WORKS WHOLLY WITHIN THEIR RESPECTIVE WATERS WITHOUT COMMISSION APPROVAL WHEN THOSE WORKS DO NOT MATERIALLY AFFECT LEVELS AND FLOWS. IN RESPECT TO THE ST. MARY'S BOOM, IT IS OUR VIEW THAT LEVELS AND FLOWS WILL NOT BE MATERIALLY AFFECTED.

3. FYI: COMMISSION TECHNICAL STAFF MEMBER SAT AT WINTER NAVIGATION BOARD MEETING AND EXPRESSED THE VIEW THAT PROPOSED ST. MARY'S BOOM WOULD NOT MATERIALLY AFFECT LEVELS AND FLOWS AND THAT POSSIBILITY OF ADVERSE EFFECTS WAS MINIMUM. COMMISSIONERS, HOWEVER, OVERRULED THIS JUDGMENT. WHILE WE WISH TO SUPPORT COMMISSION'S EFFORTS IN GENERAL, WE BELIEVE THAT JUNE 11 LETTER OVERSTEPS COMMISSION'S RESPONSIBILITIES AS DEFINED IN BOUNDARY WATERS TREATY, AND IS COUNTERPRODUCTIVE TO OUR EFFORTS TO ASSURE THAT WINTER NAVIGATION BOARD TAKES INTERNATIONAL ASPECTS INTO CONSIDERATION. LIKELIHOOD EXISTS OF STRONG PROTESTS FROM VARIOUS AGENCIES (CORPS, COAST GUARD, SEAWAY CORP, MARAD) AND INTEREST GROUPS (E.G. LAKE CARRIERS ASSOCIATION) TO DEPARTMENT IF BOARD UNABLE TO PLACE BOOM THIS WINTER BECAUSE OF IJC DESIRE FOR APPLICATION. INGERSOLL

UNCLASSIFIED

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTRUCTION, GREAT LAKES, NAVIGATIONAL AIDS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE161709
Document Source: ADS
Document Unique ID: 00
Drafter: EUR/CAN:LFJANOWSKI:MGH
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750238-0100
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197507104/baaaaouo.tel
Line Count: 135
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2003 by ThomasVJ>; APPROVED <18 MAR 2004 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971008
Subject: n/a
TAGS: SENV, CA, US
To: OTTAWA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006